

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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MARK MICHAEL FORD,

Petitioner,

Case No. 2:13-cv-00087-MMD-PAL

ORDER

v.

BRIAN WILLIAMS, *et al.*,

Respondents.

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. Petitioner has now paid the filing fee. (See dkt. no. 5.)

Petitioner has filed an ex parte motion for appointment of counsel (dkt. no. 2). There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). Here, it appears that the claims are somewhat complex. Additionally,

1 petitioner was age 15 at the time of his conviction and is serving two consecutive
2 sentences of ten years to life. Therefore, counsel shall be appointed to represent
3 petitioner.

4 IT IS THEREFORE ORDERED that the clerk DETACH and FILE the petition (dkt.
5 no. 1-1.)

6 IT IS FURTHER ORDERED that the Federal Public Defender for the District of
7 Nevada ("FPD") is appointed to represent petitioner.

8 IT IS FURTHER ORDERED that the Clerk shall ELECTRONICALLY SERVE the
9 FPD a copy of this order, together with a copy of the petition for writ of habeas corpus
10 (dkt. no. 1-1). The FPD shall have thirty (30) days from the date of entry of this order to
11 file a notice of appearance or to indicate to the Court its inability to represent petitioner
12 in these proceedings.

13 IT IS FURTHER ORDERED that, after counsel has appeared for petitioner in this
14 case, the Court will issue a scheduling order, which will, among other things, set a
15 deadline for the filing of a first amended petition.

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17 DATED THIS 2nd day of April 2013.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE